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|-----------------------------|-------------------------|------------------------------|---|---------------------------------|
| SERIAL NUMBER<br>077425/779 | FILING DATE<br>10/23/89 | FIRST NAMED INVENTOR<br>KATZ | R | ATTORNEY DOCKET NO.<br>4646114C |
|-----------------------------|-------------------------|------------------------------|---|---------------------------------|

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WOOD, S EXAMINER

ART UNIT  
261

PAPER NUMBER  
4

09/17/91

DATE MAILED:

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☒ Responsive to communication filed on 6/24/91 ☒ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s),        days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- |   |   |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice re Patent Drawing, PTO-948.                  |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449.                 | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152 |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474.     | 6. <input type="checkbox"/>   |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-5, 7-11, 13-28 are pending in the application.  
Of the above, claims        are withdrawn from consideration.
2. ☐ Claims 6, 12 have been cancelled.
3. ☒ Claims 1-5, 7-11, 13-16, 24-26 are allowed.
4. ☒ Claims 17, 20, 27 are rejected.
5. ☒ Claims 18-19, 21-23, 28 are objected to.
6. ☐ Claims        are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on       . Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on       , has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed       , has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no.       ; filed on       .
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 17 and 20 are rejected under 35 U.S.C. § 102(e) as being anticipated by Szlam et al. (Szlam).

Claims 17 and 20 are broad enough to be met by Szlam which discloses a customer account online servicing system in which a message player 10a9 queries a caller with different messages, the particular message being determined by how the caller has identified himself, that is, whether or not the caller has an established account (col. 12, line 9 - col. 13, line 18).

3. Claim 27 is rejected under 35 U.S.C. § 102(e) as being anticipated by Scanlon.

Claim 27 is broad enough to be met by Scanlon which discloses a lottery system in which customer identification is received using automatic number identification arrangements and allowing lottery entry only for callers with a valid personal identification number (col. 4, lines 1-21).

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4. Claims 18-19, 21-23, 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. Claims 1-5, 7-11, 13-16, 24-26 are allowable over the prior art of record.
6. Applicant's arguments with respect to claims 1, 6-11, 13-16 have been considered but are deemed to be moot in view of the new grounds of rejection.
7. Applicant's amendment necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL.** See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.


Serial No. 07/425,779

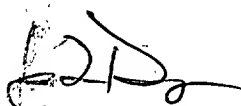
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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella Woo whose telephone number is (703) 308-4971.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0962.

  
Stella Woo  
September 06, 1991

  
JAMES L. DWYER  
PRIMARY EXAMINER  
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